

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

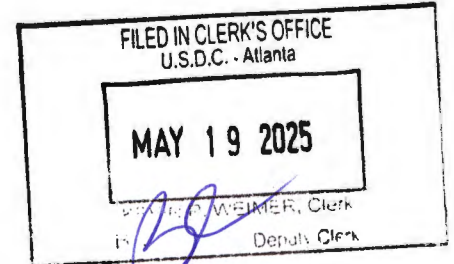
NATALIE SOTO,

Plaintiff,

v.

WENDELL HOLMES, JR.,

Defendant.



Civil Action No. 1:24-cv-02911-SDG

DEFENDANT'S RESPONSE REGARDING PROCEDURAL
PROPRIETY OF A SECOND MOTION FOR SUMMARY
JUDGMENT

I. INTRODUCTION

Federal Rule of Civil Procedure 56 does not authorize a party to file multiple motions for summary judgment as of right. Plaintiff has already filed an initial Motion for Summary Judgment, which remains pending. The filing of a second motion constitutes a successive dispositive motion that should not be entertained without prior leave of the Court, especially where it raises substantially similar arguments and legal theories as the first.

II. LEGAL STANDARD

Courts have discretion to control the timing and frequency of dispositive motions. Multiple or successive summary judgment motions are generally disfavored unless there is newly discovered evidence, a change in the law, or extraordinary circumstances that justify another motion. (See e.g., Koch v. Koch Industries, Inc., 203 F.3d 1202, 1216 (10th Cir. 2000)).

III. ARGUMENT

A. Plaintiff's Second Summary Judgment Motion Is Procedurally Improper

Plaintiff has not sought leave of Court to file a second summary judgment motion. There has been no scheduling order authorizing successive dispositive motions. This second motion is an improper attempt to relitigate arguments already briefed in the first motion and should be denied on procedural grounds alone.

B. The Court Has Not Ruled on Defendant's Counterclaims

Plaintiff's second motion appears to address or preemptively attack Defendant's amended counterclaims. However, those claims are the subject of a pending Motion to Dismiss filed by Plaintiff. Until the Court rules on that motion, Defendant's claims remain viable, and Plaintiff cannot obtain summary judgment on claims that have not been fully litigated.

C. Plaintiff's Repetition of Arguments Constitutes Harassment

Plaintiff's filing behavior demonstrates an intent to burden the Defendant with duplicative legal arguments and filings, effectively using litigation as a weapon. Repeated summary judgment motions with overlapping issues serve only to multiply proceedings and increase the cost of defense for a pro se litigant.

D. Defendant Has Submitted New Evidence Demonstrating Factual Disputes
Defendant has attached Exhibit E—text message screenshots between the Defendant and third party E. Talley—which contain evidence showing that Plaintiff herself actively disseminated defamatory, salacious, and personal information about Defendant to uninvolved parties. This conduct undermines Plaintiff’s claims of emotional and reputational harm and creates genuine disputes of material fact that should be resolved at trial, not summarily.

IV. CONCLUSION

For the foregoing reasons, Defendant respectfully requests that the Court deny or strike Plaintiff’s second Motion for Summary Judgment as procedurally improper. Defendant further requests that the Court proceed to adjudicate all pending motions in the ordinary course or set the matter for trial.

Respectfully submitted this 19th day of May, 2025.

A handwritten signature in red ink, appearing to read "Wendell Holmes, Jr.", is positioned above the typed name.

Wendell Holmes, Jr., Pro Se
Mableton, GA 30126
404-664-2943
wendellholmesjr@gmail.com

CERTIFICATE OF SERVICE

I certify that on this date I served a copy of the foregoing on all counsel of record via the Court's CM/ECF system and by email to:

Joseph W. Weeks
McNALLY WEEKS
125 Clairemont Ave., Suite 450
Decatur, GA 30030
jweeks@mcnallyweeks.com

This 19th day of May, 2025.

A handwritten signature in dark ink, appearing to read "Wendell Holmes, Jr.", is written over a faint, circular embossed seal. The signature is fluid and cursive.

Wendell Holmes, Jr.

Civil Action No. 1:24-cv-02911-SDG

EXHIBIT E

**Screenshots of Messages Between Plaintiff Natalie Soto and Defendant
Wendell Holmes, Jr.,
and Between Plaintiff and Third Party E. Talley**

**Submitted in support of Defendant's Response in Opposition to Plaintiff's
Motion for Summary Judgment and in support of Defendant's Amended
Counterclaim.**

This exhibit contains:

- Section 1: October 2023 messages exchanged directly between Plaintiff and Defendant.**
- Section 2: Plaintiff's messages to third party E. Talley, which include admissions and conduct relevant to the issues of consent, privacy, and reputational harm.**

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Wendell Holmes, Jr.", is written above the printed name.

**Wendell Holmes, Jr.
Pro Se Defendant**

Case No.: 1:24-cv-02911-SDG

Exhibit E

- Referencing your wife by name,
- Implying intent to disclose or retaliate,
- And attaching a screenshot of a defamatory public post, alongside threatening messages.
- Confirms she is not reporting the third party's involvement to her attorneys,
- States she does not need anything from them and that Defendant "has made his bed,"
- Makes disparaging comments about Defendant's marriage and financial situation,
- Implies emotional manipulation and double life accusations,
- Claims Defendant's wife supports him financially, and
- Expresses intentions not to involve this person legally, contradicting claims of emotional distress and intent to isolate herself from the situation.
- Encouraged a third party to post an anonymous picture of the defendant to find out who else he was speaking to,
- Expressed concern about STDs and acknowledged ending the relationship previously,
- Made statements indicating a lack of fear or emotional vulnerability ("I am not dying for anyone"),
- Apologized to the recipient for being "played," suggesting manipulation and dramatization of events.

Facebook



Natalie Soto

7:37

12m



Wendell



I need my dick in your mouth 🍆

I'm sure at this point it could be anybody's mouth on your dick after watching porn because you're so horny

Just wake your wife up she's right there

Wow that's what we doing ok

I guess u can always suck Bobs dick when u get home



That's gross



You can tell me whatever you want Wendell but I know deep down you're still with your wife so I don't. I don't even know what to say anymore like seriously

I'm just not gonna be the dumb idiot who gets played like a fool ever again that's all I'm gonna say

7:38

13m



Wendell



I'm just not gonna be the dumb idiot who gets played like a fool ever again that's all I'm gonna say

I'm not playing anything. But if that's how u feel then cool, sorry to bother u

I told you since day, one that I want a relationship with somebody I don't wanna fuck thing I wanna relationship with somebody and I can't be in a relationship with you when you're still married



Like it freaking kills me that I can't even be with you for the holidays. It kills me that I can't even be there when you have your surgery for your hand because she's gonna be there and she's there for you when the holidays and I'm like just in the background and it's not fair to me

And for crying out loud you guys both wear your freaking wedding ring so like is it it's like a freaking joke



7:38

13m



Aa



6:19

5G



Natalie Soto

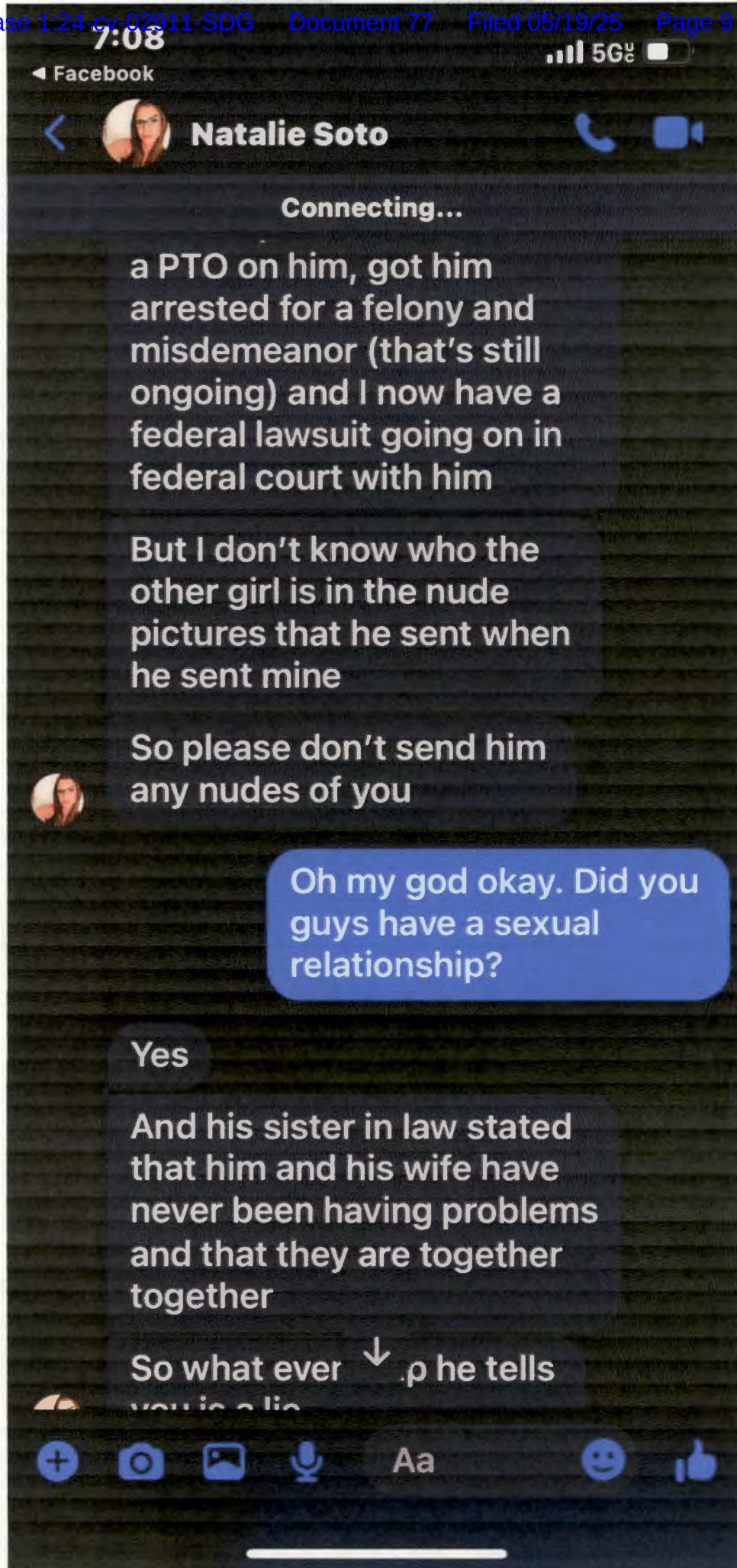


I don't know if he's currently active on dating sites, but he completely blindsided me and lied to me about him being single and I found out that he was married and cut it off with him because I am not a side chick nor will I ever be one, I lent him money for his truck and drum stuff so after a month of me breaking it off I asked for my money back and he refused so I messaged his wife to tell her to tell him to give me back my money and that's all I said to her and then posted that post on him on facebook and his wife's sister contacted me and then he found out about the post and decided to send my nudes and some other girls nudes to people(one that I know of for sure) and so I tried to do a PTO on him but him arrested for a ↓ ny and misdemeanor (that's still



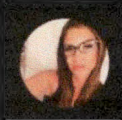
Aa





6:24

5G

**Natalie Soto**

The reason he can't go to his old church is because I had him arrested at his church because his warrant was out for 2 months and they still hadn't arrested him so I saw him on Facebook live playing drums and they arrested him at church on Father's Day last year, and then his church fired him

But girl he is married married, he's a liar, a manipulator, and a user

But please put an anonymous post with a recent picture on the site and see who else he is talking to



Hopefully I've already been std tested for everything when I broke everything off with him and it was all good but who know ↓ ow who he is sleeping with...



Aa



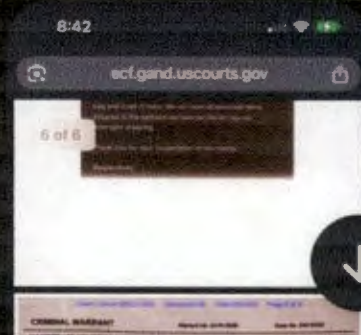
6:27

5G

 **Natalie Soto**  

That's when he got fired
from his church

Just stupid because I didn't
want to believe that
someone could be so cruel
to me.




Aa



6:28

5G

<  **Natalie Soto**



That's his arrest charges

That's why I told him I don't know how he can sit in church and not light on fire



Seriously

He's an adulterer and that's a huge sin



I did post his pic in the group just want to see if anyone else comes forward.

From someone who is so religious he doesn't follow anything

I saw it, you should put his name in comments, just put Wendell-in Mableton



Don't post th ↓ st name



Aa



6:21

5G%

**Natalie Soto**

I went back to my ex husband after all this dating crap, I'm not going to tell someone else my life story ever again, nobody deserves to know it 😂



Yes I have the picture let me get it for you he told the judge it was another girl he was seeing's picture



You know wh ↓ is wife's name is right?



Aa

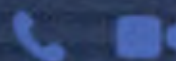


6:27

5G



Natalie Soto



I know I feel horribly sorry for you, I dealt with him for 3 months and you've been dealing with him for years



I would be an emotional wreck

Yes I did after the fact. He wouldn't tell me the details but I pulled his background check and saw it was a felony charge.

The time, feelings and emotions were just a lie to cover up his dirty tricks



I have his warrant info if you want to read it for his charges

All of what you are telling I knew. I saw everything on facebook, his father in law, his parents, his "ex" his sister in law, friends all of them




Aa




6:27

5G

 **Natalie Soto**   **WTH**

You remember when he
went to Nashville in early
October to do the drum
thing


Well he used my Range
Rover to get up there

 Because his Nissan
probably wouldn't make it

I couldn't even begin to
show you all my texts but I
have all 6.5 years worth.

He told the courts and my
lawyers that he is so
messed up from when he
got arrested last year that
he had to buy a service/
support dog

Funniest crap ever




 Did he even tell you that he
got arrested?

Aa



6:22

5G

<  **Natalie Soto**  

He met my daughter one time she was 18 and there was no need to say anything about her like the way he did, this is the true side of Wendell not the nice side he shows in person

But quite honestly I would drop his picture on the Facebook group and do it anonymous and see who else he is messing with

I see. This is all crazy and I am at a loss.

That picture isn't you right?

No thank goodness. I have sent so many like I said over these years.

Well I wish I could find her because it's messed up that she has no idea



You are not at a loss. it's his



Aa





Natalie Soto



But please put an anonymous post with a recent picture on the site and see who else he is talking to



Hopefully I've already been std tested for everything when I broke everything off with him and it was all good but who knows now who he is sleeping with



I just made an appointment to get tested.

That's good



I am not dying for anyone

Exactly! I've already survived enough

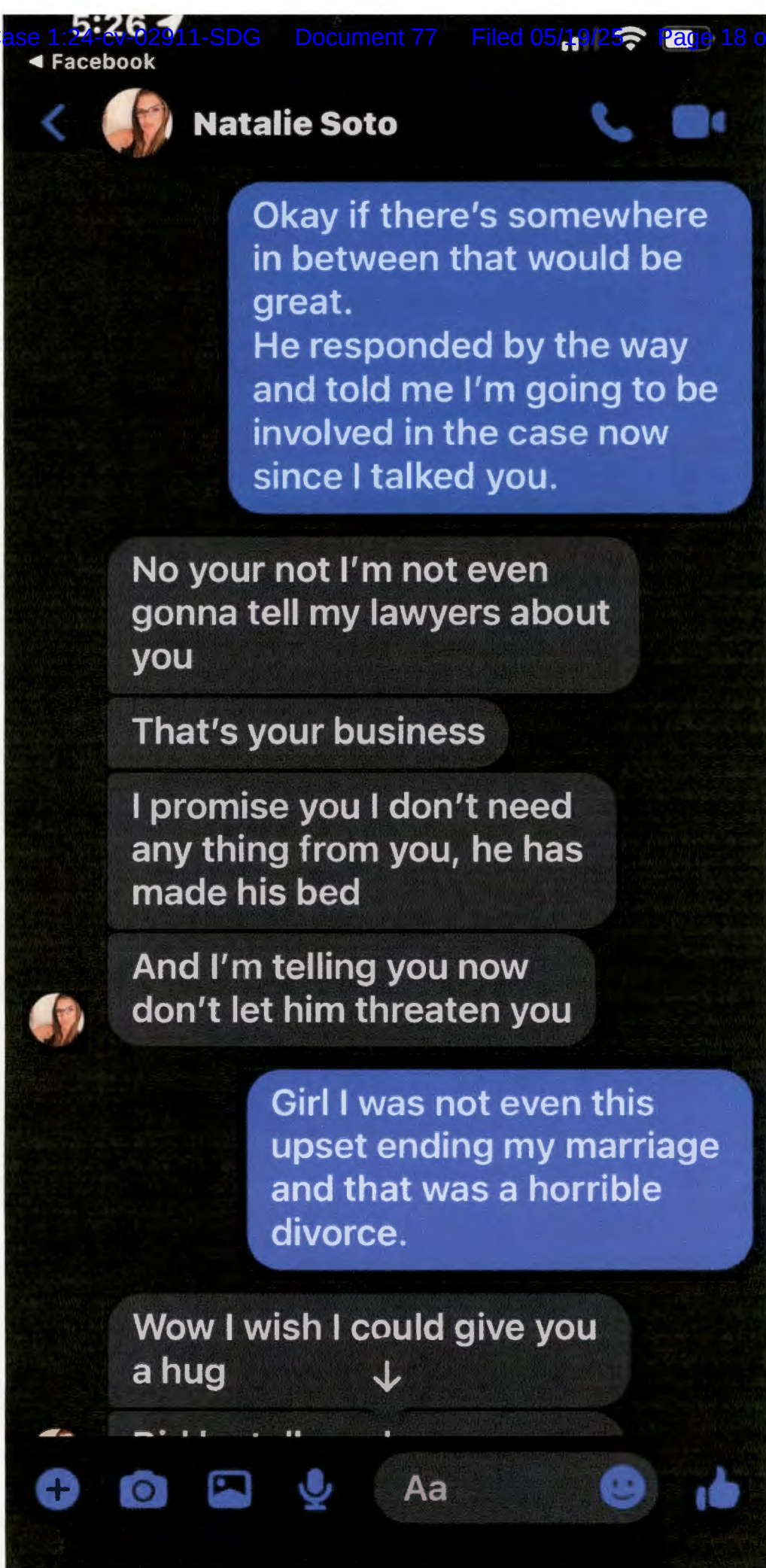
But I'm really sorry that you have been played like this

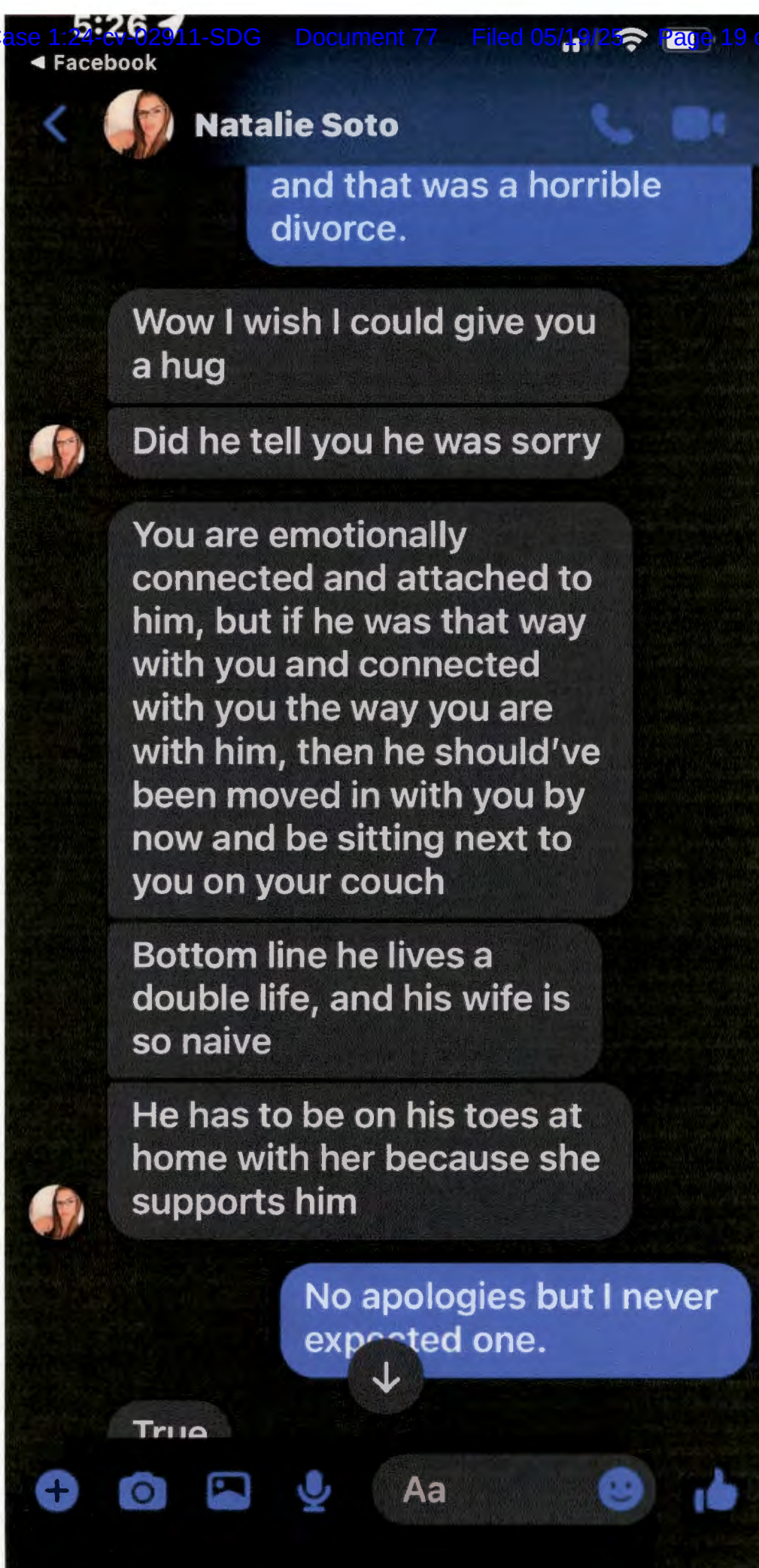
I'm always here if you ever need to talk ↓ have any other questions



Aa









Facebook



Natalie Soto



So please don't send him
any nudes of you

Oh my god okay. Did you
guys have a sexual
relationship?

Yes

And his sister in law stated
that him and his wife have
never been having problems
and that they are together
together



So what ever can he tells



Aa



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123

space

return





Natalie Soto



Oh wow I'm so sorry, but he is married, like really married married

He told me he was single and then I did my little private investigation and saw a picture of him and some lady and then I asked him why I'm not allowed to go to his house why is it only mine and he gave me some crap answer



There's always an answer

Okay thank you for all that and I'm sorry that we both have this experience. Single it is for me from here on out!

You are gorgeous by the way! Definitely don't deserve these crap men.

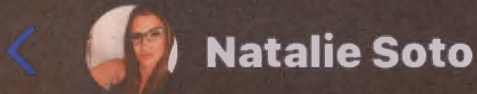


What got it for me was getting on his mother in laws Facebook and seeing their Ymas pictures



Aa



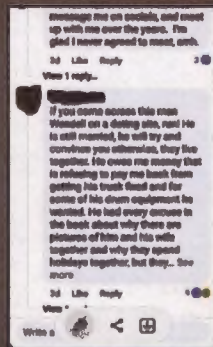


You know what his wife's name is right?

Yes

But here is the last thing I said to him before he released my photos

2:41



Who is this

I guess you have two phone lines that's nice to know

You mess with the wrong person karma works in mysterious ways that's all I'm gonna say

All good I warned u! Time to play

your game better.

2:42



All good I warned u! Time to play your game better.

You're just mad because I busted up your little game so all these women that you've been playing for all these years and playing wife who doesn't deserve what you do to her and I told you that so you can go do whatever the fuck



Aa

